

**FLATHEAD COUNTY PLANNING BOARD MEETING  
MINUTES OF THE MEETING  
JUNE 21, 2006**

**CALL TO  
ORDER**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Charles Lapp, Frank DeKort, Randy Toavs, Gordon Cross, Don Hines and Jeff Larsen. Gene Dziza and Kathy Robertson were present. Kirsten Holland, Rebecca Shaw, Traci Tull, and Jeff Harris represented the Flathead County Planning & Zoning Office.

There were approximately 70 people in the audience.

**PUBLIC  
REVIEW**

Jeff Larsen reviewed the public hearing process for the public.

**MISC.  
COMMENTS**

Harris said the applicant for Landmark Condos requested a 30-day continuance for the project. Staff said they could get it on the next available meeting, which would be in September.

Bruce Lutz, the applicant's representative, agreed to postpone until the next deadline.

Roger Sullivan, attorney, represented neighbors of this project. He asked the Board to hear this project tonight. He quoted a new section of MCA regarding new statutes. He continued to talk about the public hearing process.

Russ Crowder, of American Dream Montana, said the Board has the right to table the project. He said a lot of new information has come in and the Staff Report has been totally revised. People need time to review the new information.

Harris said Sullivan is right about the statutes. He talked about the timeline and the hearing. He said the new Subdivision Regulations will include some of this new information. He said it's up to the Board to decide whether or not to hold the public hearing tonight. He said moral responsibility is more of an issue than legality.

Larsen said the Board can table the project and asked for Board input.

Robertson pointed out if the item is pulled from the agenda, people could comment during the public comment portion of the meeting since their comments would no longer be related to an agenda item.

Dziza said he read all the new information and perhaps the applicant needs to revise the application

**MISC.  
COMMENTS  
CONTINUED...**

Harris said he wouldn't want the applicant to revise the application. He said there are questions regarding the EA, as well as the water & sewer and said they would have to provide this information to Staff. He said if they were to change their plans, Staff would review the information to see if there are substantial changes and if so, would ask them to submit a new application.

Dziza asked Bruce Lutz what they needed extra time for if they aren't going to significantly change their plan.

Lutz said they are asking for additional time to respond to comments because they received new information within the last 24 hours.

Shaw said she had copies of additional letters and the revised Staff Report for the Board's review.

Robertson said it's her understanding that the Board doesn't accept applicant materials and new material received on the night of the meeting. She said the applicant, the Board, and the public need the chance to review the new Staff Report and additional information. There's no way the Board could plan and people wouldn't have time to review the new information.

Harris reviewed the Board's options.

Lapp agreed with what Dziza was saying about the letter from the applicant's requesting more time. He reiterated what Robertson said about people being able to talk during the Public Comment section. He said they are objecting to something that will probably come back before the Board.

Hines felt the public had a lot to say and said the Board needed to hear their comments. He doesn't feel it would be morally right to table the application.

Lapp said if the Board continues with the public hearing, but closes the public comment portion, a new application may come back and then they wouldn't be able to comment.

Harris said if the Board conducts a public hearing on the project as is, the Planning Office is obligated to pass it on to the Commissioners. He said, at that point, the applicant would have the chance to make revisions and bring it back before the Planning Board before going to the Commissioners. It would then be treated as a new application and would require public notice.

Dziza said he cares about what the public has to say but would rather hear it the night the Board is going to make a decision.

**MISC.  
COMMENTS  
CONTINUED...**

Robertson said all the neighbors have received public notice and have the right to speak tonight. She asked for Sullivan's opinion.

Sullivan said he would like people to comment tonight for the record because people have made a point to be here and because of the new statute, which allows the applicant to bring the project back before the Board prior to the Commissioner hearing.

Larsen called to see who wanted the public hearing on Landmark Condos to continue

The Board decided, by quorum, to continue with the public hearing.

**APPROVAL OF  
MINUTES**

Lapp made a motion seconded by Dziza to approve the May 3, 2006 minutes.

The motion was carried by quorum.

DeKort made a motion seconded by Robertson to approve the May 17, 2006 minutes.

The motion was carried by quorum.

**PUBLIC  
COMMENT**

Diana Blend updated the Board on the Long Range Planning Task Force.

Russ Crowder, of American Dream Montana, talked about a subdivision, passed by the Commissioners, which had a paving condition, which he believed to be an illegal impact fee. He said the Board would see the same kind of condition imposed on Whitefish River Ranch South and asked the Board to consider removing conditions #10, 11, and 12. In regard to Landmark Condos, he said it's unfair to the applicant to have information come in at the last minute and it's not fair to the public to have Staff Reports changed at the last minute.

Raymond Rogge, 420 N. Juniper Bay Rd, addressed the 2<sup>nd</sup> item on the agenda. He sent the Board an email regarding this proposal and he talked about the character of the neighborhood.

Terry Born is a neighbor next to Somers Bay Villas (*formerly Somers Landing*) and would be sandwiched between that development and the proposed Landmark Condos if approved. She is opposed to this development and asked the Board to consider the impacts this would have on homeowners and long-time residents. She asked the Board to consider what they would do if it were next door to them.

**PRELIMINARY  
PLAT/  
SPRUCE  
MEADOWS**

A request by Spruce Meadows, LLC for Preliminary Plat approval of Spruce Meadows Subdivision, a thirty (30) lot single-family subdivision on 39.086 acres. All lots in the subdivision are proposed to have public water and individual sewer systems. The property is located off of Lake Blaine Road.

Larsen recused himself from this proposal; Dziza presided.

**STAFF REPORT**

Kirsten Holland reviewed Staff Report FPP-06-17 for the Board.

**BOARD  
QUESTIONS**

Dziza pointed out there's no Staff Recommendation on this project.

Holland said her reason for not making a recommendation is because she's uncomfortable with this many lots close to the highway.

Roberston asked Staff who owns the dirt road and said the area out there is swampy.

Toavs asked about access roads.

Holland talked about ingress and egress routes.

Roberston talked about a culvert and said there's a lot of standing water in the front of this proposed development.

**APPLICANT**

Justin Metcalf, 1119 Kent Ave. in Missoula, represented the applicants. He is also one of the developers and said they are excited about this development. He said they did water monitoring on this site and said it passed the tests. He said Jere Johnson may be able address the standing water issue. He said they have no objections to any of the conditions presented by Staff. They agree with the emergency road and don't need the variance that was originally requested. He talked about septic systems and said they would be using level 2 systems that are more environmentally friendly. He talked about the community water system, open space, drain fields, buffer zone, wildlife corridors, and existing trees on the property.

Lapp asked about the road and easements.

Metcalf clarified.

Dziza asked if they spoke with the other landowners about getting an easement for the emergency exit.

Metcalf talked about access

**AGENCIES**

None present.

**PUBLIC  
COMMENT**

Mr. McHenry, 445 Lake Blaine Rd, had no objections to this development and said he's the owner of the private road that runs along the property.

June Coleman, 215 Lake Blaine, has 5-acres southwest of this development. She talked about road issues and wondered how deep the wells would be drilled.

**STAFF  
REBUTTAL**

Holland talked about the emergency access and the traffic issues in the area.

**APPLICANT  
REBUTTAL**

Metcalf said Jeff Larsen designed their water system and said he isn't really qualified to answer the well questions; he's more of a "big picture" guy. He talked about the size and structural integrity of the homes that would be out there.

Robertson asked Staff about the emergency access and if they could have one onto a road without an easement.

Staff said an easement would have to be obtained.

**MAIN MOTION**

Lapp made a motion seconded by Toavs to adopt Staff Report FPP 06-17 as findings of fact and recommended approval to the Board of County Commissioners

**BOARD  
DISCUSSION**

Lapp commented on the Fire Chief's letter and recommendation. He talked about the main access point and said he doesn't have any real concern.

Toavs talked about access and what he saw when he did a site visit.

Hines doesn't think Lake Blaine Road is capable of handling this project until someone steps up to the plate to improve the road.

Robertson expressed concern for the density. She read a portion of Glen Gray's letter and talked about drain fields and the Type-2 Systems that are proposed.

Cross talked about existing parcel sizes in the area and doesn't think this development fits in the area. He doesn't feel it's a compatible use in such a rural area. He didn't see the Type-2 septic systems mentioned in the conditions.

DeKort thinks there should be provisions about having a community system. He talked about clustering and about wildlife access.

Dziza liked the design and said he liked the open space around the development because a lot of deer travel through here. He talked about the level 2 treatment systems and drain fields. He has concern with

density and said every time they allow a development like this, someone down the road will use it as justification when proposing a new development; it sets precedent.

Hines talked about the unique aquifer in the area.

Lapp talked about the size of the lots and said the lots seem to be typical of what people can manage.

Cross said the clustering concept is fine but there are too many lots. He thinks the Board needs to show some leadership and say how they feel about these intense residential developments.

Robertson compared the lot sizes to another development they would see tonight and said these are considerably larger.

**MAIN MOTION  
ROLL CALL**

On a roll call vote the motion failed 2-5 with Dziza, Cross, Hines, DeKort, and Robertson dissenting.

**BOARD  
DISCUSSION**

The Board gave their reasons for not supporting the motion including safety, access, density, water, and too dense for the rural location.

**PRELIMINARY  
PLAT/  
LANDMARK  
CONDOS**

A request by RLD Waterside, LTD, for Preliminary Plat approval of Landmark Condominiums, a thirty-six (36) unit condominium project with under-structure parking and private access drives, with seventeen (17) boat slips. The property is located at 5585 Highway 93.

**STAFF  
COMMENTS**

Harris said he had a discussion with the applicant's representative, Bruce Lutz, who has decided to completely withdraw the application in a good faith effort to address concerns.

**APPLICANT**

Bruce Lutz, the landscape architect for the project, said they are pulling this project with great regret; they would rather have tabled it. He said they held several informational meetings to allow for public input, which was apparently not enough. He said they will be back and asked for public input.

**MISC.  
COMMENTS**

Roger Sullivan thanked the Board for the privilege to speak. He said if the Board looks at the comments submitted by the public they would see a pattern. He said people had the same general concerns including water quality, public participation process, and density. He talked about preserving the water quality of Flathead Lake, which is a complex issue. He presented pictures of Somers Bay Villas (formerly Somers Landing) as an example of what could happen if concerns aren't addressed. He presented a chart that reflects the growth in certain areas and said people in that area want something reasonable. He talked about the overall plan for that area and pointed out things that are important to preserve the area for future generations. He thanked the Board for their enormous public service.

Larsen let the public know they are welcome to comment on this or any other issue at any of the meetings during the public comment portion.

**PRELIMINARY  
PLAT/TIMBER  
ROCK ESTATES**

A request by GK Family Investments, LLC for Preliminary Plat approval of Timber Rock Estates, a five (5) lot single-family residential subdivision on 53.974 acres. All lots in the subdivision are proposed to have individual water and sewer systems. The property is located off Raven Ridge Road.

**STAFF REPORT**

Rebecca Shaw presented Staff Report FPP 06-16 for the Board.

**BOARD  
QUESTIONS**

Lapp asked about the emergency access road.

Staff said it's her understanding the road is gravel and said the applicant could further elaborate.

**APPLICANT**

Brett Kulina, of Lakeside, addressed the question about access to the south. He talked about this being a secondary access and said they've gone to great length to build their own road, which would access off Highway 93. He talked about fire requirements and said he has people thinning out some of the proposed lots and adjacent land.

Hines asked if there would be any restrictions regarding further subdivision.

Kulina said there would be deed restrictions preventing further subdivision.

Eric Mulcahy, of Sands Surveying, talked about the access road and said it's paved to County standards. He pointed the emergency access out on the plat map.

Lapp asked about a road to the north and asked what kind of road it is.

Mulcahy said the applicant owns the properties north of the proposed development and the road accesses those lots.

Kulina pointed out some things on the plat map for clarification. He talked about existing roads and ownership around this proposal.

**AGENCIES**

None present. Staff said she talked with Bob Kienas, Fire Chief, about fire suppression. She also stated there was one public comment, which was included in the Board's packets.

**PUBLIC  
COMMENT**

Robert Lavin talked about land ownership in the area of the proposed development. He talked about sections of land and the potential of development of the 1200 acres behind the proposed subdivision. He

said there are other landholders in the section of land that's being proposed for development; he's concerned with future development and a potential increase in traffic. He talked about road access and said the Lutheran Camp Road would be a good secondary access to Highway 93. He doesn't care what Mr. Kulina does on his own property so long as it doesn't impact him.

Charlene Walker, 180 Lake Blvd, agreed with Mr. Lavin.

Dan Schipper, PO Box 714 in Lakeside, agreed with the previous speakers.

Louise Bowie, 530 Lake Forest Dr, agreed whole-heartedly with Mr. Lavin.

Tom Sands, 2 Village Loop, said he worked with Mr. Kulina a few years ago and told him he would have to build a road to County standards. He said Carver Engineering helped him design the road and thinks they did a good job. He talked about the Timberlake Ranch neighborhood and said it's not a subdivision; it came about by family transfers. He talked about the emergency access and said traffic wouldn't go through Timberlake Ranch.

**STAFF  
REBUTTAL**

None.

**APPLICANT  
REBUTTAL**

Kulina wanted everyone to understand there would be no traffic plowing through neighbor's roads. He said he has nothing to do with the other properties Mr. Lavin talked about. He talked about the emergency access and said it has a gate on it and shouldn't be accessed unless a fire or emergency were to take place.

**MAIN MOTION**

Dziza made a motion seconded by DeKort to adopt Staff Report FPP 06-16 as findings of fact as amended and recommended approval to the Flathead County Commissioners.

**BOARD  
DISCUSSION**

Lapp asked Staff about the document that was submitted in regards to a secured easement.

Shaw commented on the easement.

Toavs commented on the proof of legal access.

Larsen said condition #7 addressed this concern.

The Board continued to discuss legal access for the emergency road.



<b>MOTION</b> <i>Condition #20(j)</i>	Kathy made a motion seconded by DeKort to add condition #24, later revised to be added as condition #20 (j.), to state none of the 5 parcels shall be resubdivided and shall remain as approved.
<b>ROLL CALL</b> <i>Condition #20(j)</i>	On a roll call vote the motion passed unanimously.
<b>BOARD DISCUSSION</b>	<p>Hines said Mr. Kulina has done an outstanding job on other projects he has seen. His only question was if Mr. Kulina planned on having a fire suppression system at some point.</p> <p>Kulina said at this time he doesn't plan for it because of the low density.</p> <p>Hines would like Mr. Kulina to keep that in mind.</p>
<b>MOTION</b> <i>"WILL TO SHALL"</i> <i>IN ALL</i> <i>CONDITIONS</i>	DeKort made a motion seconded by Robertson to change to word "will" to "shall" in all conditions.
<b>ROLL CALL</b> <i>"WILL TO SHALL"</i> <i>IN ALL</i> <i>CONDITIONS</i>	On a roll call vote the motion passed unanimously.
<b>PRELIMINARY PLAT/ WHITEFISH RIVER RANCH SOUTH</b>	A request by Whitefish River Properties, LLP for Preliminary Plat approval of Whitefish River Ranch South, a fifty-two (52) lot single family residential subdivision on 80.112 acres. All lots in the subdivision are proposed to have public water and multiple-user sewer systems. The property is located at 1328 Trumble Creek Road.
<b>STAFF REPORT</b>	Traci Sears-Tull reviewed staff report FPP-06-27 for the Board.
<b>BOARD QUESTIONS</b>	<p>Cross commented on the public comments received and asked Staff if she adjusted her Summary of Findings.</p> <p>Staff said she incorporated the comments but did not alter her findings.</p>
<b>APPLICANT</b>	Ken Kalvig, 1830 3 <sup>rd</sup> Ave E in Kalispell, introduced the applicant, Ben Franklin. Tom Sands and Eric Mulcahy, both of Sands Surveying, as well as Tom Anderson, from Glacier Pre-Cast, were present to talk about concrete. He said the applicants have tried to address issues brought up by the Board and County Commissioners during the first submittal of this project and have incorporated some suggestions. He talked about wastewater treatment and road safety on Trumble Creek Rd. He discussed municipal treatment and how it was addressed in the Two Rivers plan, in which this property is a part. He referenced a packet submitted with the application and talked about wastewater

treatment systems. He talked about road improvements and said they met with Charlie Johnson, of the County Road Department, to figure out a plan, which is reflected in several conditions. He discussed the possibility of a “late-comers agreement” and elaborated on that subject.

Toavs talked about Crowder’s comment regarding illegal impact fees. He wanted Kalvig to clarify the applicant was willing to voluntarily do these improvements.

Kalvig said Crowder’s comments were totally independent of this application and clarified several other things.

Eric Mulcahy, of Sands Surveying, presented a Powerpoint presentation to the Board. He said this project went through the process once and the application was revised based on comments received. He talked about the density and compared it with what the Two Rivers plan states for this area. He talked about the 100-ft wide “green-strip” public access area along the river and the bike path easements being dedicated. He said the developers talked about the maintenance of the ponds with Fish, Wildlife, and Parks. He said they would be privately maintained by the Homeowner’s Association. He said the applicant’s worked diligently with the County Road department in regards to upgrading the road. He talked about groundwater monitoring and said the property is currently being monitored and the data will be turned in to DEQ. He said they concur with the conditions as proposed.

Robertson asked Mulcahy to point out the 100-yr floodplain and said the golf course is in the floodplain. She commented on the bike path going through part of the golf course and said it may be dangerous.

Mulcahy said it would be clearly marked and hopes people would be careful.

DeKort asked if the map on the projector is to scale.

Mulcahy said no, but the plat maps, in the Board’s packets, are to scale.

Tom Anderson, of Glacier Pre-Cast Concrete, talked about the waste water treatment systems and gave some statistics.

Cross asked about the size difference between a Type-2 System and a regular system.

Anderson responded and gave a couple examples of subdivisions on this type of system.

Cross asked for clarification on the actual size of this type of system.

Anderson said they are slightly larger. He said the biggest system he has facilitates a 48-lot subdivision.

## **AGENCIES**

None present. Larsen said there were several agency comments received.

Staff said the comments were addressed and one additional comment was received today from the Flathead Lakers.

Larsen mentioned public comments received and reviewed the main concerns.

## **PUBLIC COMMENT**

Loyd Foster, 1314 Trumble Creek Rd, expressed concern with the area planned for the drain field and said there would be ¼ inch of water per day above the drain field plus annual rainfall, which is a lot of water.

Nikki Karpavich, of CFBF, said she looked through the Environmental Assessment, which referred to an attached document. She said Staff was unable to locate the information and requested a delay in the Board's decision.

Sharon DeMeester talked about the water table. She talked about the County Road Department requirements and County road standards. She talked about a condition to have animals restrained and said the focus on dogs and cats are overlooked as a problem. She talked about a multi-user treatment system and said that was just added today and she hasn't had time to review that information at all.

Tom Sands, 2 Village Loop, asked the Board to consider the improvements that have been made to this development. He talked about upgrading Trumble Creek Rd. and said they are going to add shoulders to make it a safer road. He said they eliminated the townhouse portion of the project and said the density is way less than he's seen on public sewer. He talked about Type-2 Systems and said they are a solution to a lot of the problems. He said they are doing the best they can with what they have. He said sewer will be out there within a ½ mile in the next 3-10 years and there will be a waiver of protest in place so that wouldn't be a problem.

## **STAFF REBUTTAL**

Tull commented on the document Nikki was looking for earlier and said she tried to obtain a copy but was unable to do so before the meeting. She said the files were gone through numerous times and said Sands Surveying should have a copy. She referred to Condition #32 and said Staff wanted to make a change.

Harris said they don't know whether the acreage would be calculated from the high-water mark or from the river so Staff wanted to remove wording pertaining to that in the above mentioned condition.

Larsen read the condition with Staff's proposed changes for clarification.

Tull wanted to state for the record that Fish, Wildlife, and Parks didn't want public access to the ponds because of liability reasons. She suggested adding a new condition #35 to show the high-water mark on the face of the plat.

## **APPLICANT REBUTTAL**

Kalvig addressed the concern about the pedestrian path going through the golf course. He said it would be a private course considered as a "Pitch and Putt" golf course, which is a lot shorter than a standard course. The use on this course would be very limited and the topic of safety can be addressed by means of design.

Robertson commented on the bike path and wondered how you would monitor who uses the golf course when a public path is proposed through the course.

Kalvig responded and referred to the Homeowner's Association.

Sands asked the Board to disregard the last condition requested by Staff in regards to the 100-ft setback from the high water mark from the river; they need some flexibility.

Mulcahy showed the Board a plat which clearly displayed the sewer and water layout.

Anderson talked about the disinfectants that would be used regarding the treatment systems and said if it were to go into the river it would be no worse than a standard treatment system.

Harris rebutted Tom Sand's comments and read a section of the Two Rivers Plan regarding open space and the corridor along Whitefish River. He wanted to clarify Staff's intent of the proposed 100-ft setback.

## **MAIN MOTION**

Lapp made a motion seconded by Toavs to adopt Staff Report FPP 06-27 as findings of fact as amended and recommended approval to the Flathead County Commissioners.

## **BOARD DISCUSSION**

The Board asked about several missing items from their packets.

Hines said in the past, the Board has required a septic layout as part of their packets.

DeKort said if more information becomes available to the public, they should be able to comment if there is a continuation of this project.

The Board discussed how to go about continuing this project.

Harris gave the Board some direction and said the information does need to be obtained but doesn't necessarily need to hold up the project.

The Board discussed the issue and said the conditions cover the issue.

Larsen said he doesn't have a problem moving forward with this proposal because the applicants would have to meet the conditions and DEQ requirements. He brought up Sharon DeMeester's concern about water level. He talked about County road standards and secondary treatment systems. He read from a study conducted by the EPA regarding wastewater treatment. He said he's in favor of the project at this point.

Dziza said he voted for Two Rivers and Riverdale and he talked about quarterly development. He said the Board reassures people that certain issues are addressed during the subdivision phase and he thinks a deal is a deal.

Lapp talked about density, clustering, roads, and the cost of improvements regarding roads. He talked about the Two Rivers plan and understood that systems like this would hook in to city services when they come within ½ mile. He talked about a zone change that was previously denied by the Board and thinks it was an irresponsible decision because they later allowed something right across the street on septic systems.

Toavs agreed with Lapp about the previous zone change. He said he has confidence that DEQ will do their job and he doesn't have a problem with the treatment systems or lot size. He talked about the easement for the bike path.

Cross wanted to hear from the Board members that were present for the original hearing in November to see if the concerns were addressed. He also asked to hear from Harris in regards to neighborhood plans and services.

Larsen said he missed that meeting and asked for comments from the Board.

Lapp brought up Kim Fleming's concern in regards to public access and he thinks that's been addressed.

Robertson talked about the proposed conservation easement and the statement that vegetation would not be removed. She doesn't know how this could be possible if there is going to be a golf course there. Her concern is the groundwater on the proposed golf course and runoff issues. She would like to see it remain as open space instead of a golf course.

DeKort talked about public access to the river corridor. He said the “green space” along the river was a lot bigger in the Two Rivers plan than it is in this plan.

Hines said this is a nice project and they’ve made some great concessions. He said the traffic issue has been addressed.

Harris talked about zone changes, within the Two Rivers plan, that are currently on hold. He talked about the availability of services in an area and said a master plan doesn’t guarantee zoning in a certain area. He said the density in this development complies with the Two Rivers plan. Staff feels strongly about conserving the land along Whitefish River and has worked with the applicant.

Larsen asked if DeKort and Robertson would favor the proposal if the Board could come up with conditions to address their concerns.

Robertson was concerned with the bike path going through the golf course and said it’s dangerous.

**MOTION**  
**Condition #36**

Robertson made a motion seconded by Dziza to add condition #36 to change the bike path from private to public.

**ROLL CALL**  
**Condition #36**

On a roll call vote the motion passed unanimously.

**MOTION**  
**Condition #32**

Robertson made a motion seconded by Hines to add condition #32 to read: It shall be noted on the face of the final plat that the open space /parkland area indicated as the Public Riparian Access along the River would include a 200 foot strip, from the high water mark of Whitefish River towards the subdivision, along the river shall be open for the public to enjoy. The applicant shall work with the Flathead County Planning & Zoning Office concerning the exclusion of the existing ponds.

**BOARD**  
**DISCUSSION**

Harris made a suggestion to incorporate pond protection into Robertson’s motion.

Lapp asked about the bike path.

**ROLL CALL**  
**Condition #32**

On a roll call vote the motion passed unanimously.

**MOTION**  
**Condition #35**

Robertson made a motion seconded by Hines to add condition #35 to read: The high water mark for the Whitefish River shall be clearly marked on the final plat.

**ROLL CALL**  
**Condition #35**

On a roll call vote the motion passed unanimously.

**MOTION**  
**Condition #37**

Robertson made a motion seconded by DeKort to add Condition #37 to read: The 24.185 acres designated as common area shall remain in open space in perpetuity.

**BOARD**  
**DISCUSSION**

Lapp asked Robertson about the definition of common space.

Robertson said the applicants are calling the proposed golf course common space and the condition will prevent it from being further developed.

**ROLL CALL**  
**Condition #37**

On a roll call vote the motion passed unanimously.

**BOARD**  
**DISCUSSION**

Robertson asked Larsen if he was comfortable with the material they would spray on the golf course and asked about its effect on the river.

Larsen said he didn't know enough to answer that. He said they would have to get that approved through DEQ.

Robertson wanted to go on record as being opposed to the golf course.

Dziza asked Harris if he felt this development is compatible with the area.

Harris said yes; the overall density was less than some other area subdivisions.

DeKort commented on the 100-ft wildlife corridor.

**MOTION**  
**Conditions #32 & #7**

DeKort made a motion seconded by Robertson to change the wildlife corridor from 100-ft to 200-ft in conditions #32 and #7.

**BOARD**  
**DISCUSSION**

Cross commented on the public walkway.

Toavs talked about the wildlife corridor and 100-year floodplain. He said the proposed condition would only affect lots 1 and 2 in regard to useable building space.

**ROLL CALL**  
**Conditions #32 & #7**

On a roll call vote the motion passed 6-2 with Lapp and Toavs dissenting.

**MAIN MOTION**  
**ROLL CALL**

On a roll call vote the motion passed 5-3 with Hines, DeKort, and Robertson dissenting.

**PRELIMINARY**  
**PLAT/**  
**SWEETGRASS**  
**RANCH**

A request by Erik and Rita Brandin for Preliminary Plat approval of Sweetgrass Ranch, a fifty-five (55) lot single-family residential subdivision on 124.77 acres. All lots in the subdivision are proposed to have public water and sewer systems. The property is located at 300 MT Highway 206.

**STAFF REPORT** Traci Sears-Tull reviewed staff report FZC-06-26 for the Board.

**BOARD QUESTIONS** Robertson asked about the hiking trails and talked about the old growth forest area.

Sears-Tull said if they proposed any type of crossing over the creek it would require numerous permits.

**APPLICANT** John Thomas, of A2Z Engineering, represented the applicants and said Ken from Glacier Surveying and Bruce Lutz from Sitescape will be speaking as well. He talked about groundwater tests that were conducted and said it is “high and dry” where the proposed drain fields would be. He talked about concerns raised during the December meeting and how they have worked to address them. He talked about the placement of the hiking trails and addressed Robertson’s question. He talked about conservation easements and open space. He was concerned with condition #15 and wanted to make sure that the condition didn’t restrict a drain field being put in there. He talked about floodplain boundaries and FEMA guidelines. He said there is no development proposed in the floodplain other than the hiking trail. He presented photos of flooding in that area and showed a picture taken on the subject parcel. He went through the things they’ve done to change the project and the work that’s been put in; he asked for the Board’s support. He continued to compare this development to other approved subdivisions in the area in regards to the number of lots and percent of dedicated open space. He talked about the design for the proposed septic systems, treatment system, and drain fields. He gave the board some technical data on the nitrate levels that were calculated, which showed a safe level well below what’s considered safe for drinking. He talked about the approach permit, wells, and the aquifer. He further explained their intentions for the well and said it wouldn’t contribute to people’s problems with wells going dry. They will be punching down further into the deeper aquifer, not the shallow aquifer. He talked about fire hydrants to be placed throughout the development as advised by Gary Mayhew, of the fire department. He talked about runoff and said the soil out there is very absorbent. He said the positives of this development are the open space provisions.

Robertson made a comment about the vision coming over the road out on Hwy 206 and said it has improved considerably. She commented on the date on the paper with the test data and said it shows January 2005.

Thomas said that’s incorrect and it should reflect today’s date.

Hines asked if the developer would have any problem granting an easement to MDT for future development of Hwy 206.



Thomas said that should be okay and expressed his concern about losing some of the landscape buffer.

Larsen excused Dziza for the night at approximately 11:08 p.m.

Kim Wunderlich, of Glacier Surveying, showed a map which depicted the floodplain in the area.

Bruce Lutz, of SITEScape, presented a landscape layout for the project. He pointed out the “old growth” area and said they are making an effort to preserve that. He talked about the landscape details for the project.

## **AGENCIES**

None present. Staff reviewed the written comments received from Larry Schock, Glen Gray, Gary Mayhew, Superintendent of Schools, and the Flathead County Weed & Parks department.

## **PUBLIC COMMENT**

Ken Haugan, 246 Lake Blaine Rd, has property adjacent south and east of the development. He is concerned with the “old growth” forest area and had the understanding it would be in a conservation easement. He said other people, who were unable to be here, were concerned with the number of lots, which has only been reduced by 14% to 55 lots. He talked about the wells, sewage treatment and monitoring, and amount of traffic on surrounding roads.

Mark Alsup, 209 Smalls Lane, lives adjacent to this property and spoke in opposition. He thinks this development would have a traumatic and permanent impact on the character of the neighborhood and would also set precedent for future development in this area. He is concerned with traffic impact.

Connie Small, 209 Smalls Lane, said they have 400 acres with 2 homes on it. She is concerned with the density, stating it doesn't fit with the character of the neighborhood, and is also concerned with traffic and safety.

Will Richards, 354 Valley Drive, expressed concern for high water and density. They have a farm close to Woody's and were told the Creston area was the best farmland in Montana. He talked with someone from USDA-Soils Division and was told that is correct. He would like to see some protection put on the areas in which rich soil exists. He said he didn't get notice for the public hearing and said it's difficult for people to get to the meetings this late.

Pat Arnoldie, 595 Lauman, said the development looks great but doesn't belong where it's being proposed. She asked when we say “no” to letting this happen in the beautiful Flathead Valley. She is concerned with a big development in the corridor to Glacier Park and also with traffic. She wondered when there will be a stop to this

because it ruins the very reason people come here.

John Donahue, 590 Yoeman Hall Rd, lives about 2000 yards north of the project. He is concerned with the existing land use planning done by Staff, the Growth policy, and the lack of a comprehensive zoning ordinance in this area. He said there have been no new farms in that area in decades; just residential development. He said as a retired farmer it's hurtful to see but at some point you have to realize what people want. He thinks this project is a classic example of when a land owner, Staff, and engineers make a cooperative effort. He said developments in that area are Estate-style developments. He said this development is bringing in some class and larger lots, which will help develop the tax base for the County that could help fix up Lake Blaine Road. He thinks this development has the classic symptoms of what we need to see throughout the valley. He complemented the developers on a job well done and said they would welcome them to the neighborhood.

**STAFF  
REBUTTAL**

None.

**APPLICANT  
REBUTTAL**

Thomas talked about the density of this development. He said the topsoil is thin at the site, however he doesn't disagree with the statement about Creston having some of the richest soil.

Michael Chuster, spoke on Erik Brandin's behalf. He talked about preserving the existing trees and said they would be adding additional trees and berms around the property.

Larsen asked Thomas to address the sewer and water.

John said there's a control panel which would monitor the systems 24/7 and automatically send a page to the controller if there was a problem.

**MAIN MOTION**

Robertson made a motion seconded by DeKort to adopt Staff Report FPP 06-26 as findings of fact as amended and recommended approval to the Flathead County Commissioners.

**MOTION  
Condition #6**

Hines made a motion seconded by Robertston to revise Condition #6 to read: The developer shall dedicate a 15-foot bike/pedestrian easement on the Montana Highway 206 frontage along with an 80-foot highway easement from the centerline of Highway 206.

**ROLL CALL  
Condition #6**

On a roll call vote the motion passed unanimously.

- MOTION**  
**Condition #28** Robertson made a motion seconded by DeKort to add Condition #28 to read: Hiking trails in the 34.06 acres old growth forest shall be delineated on the final plat and there shall be no trails south of Blaine Creek or crossing of the Creek.
- ROLL CALL**  
**Condition #28** On a roll call vote the motion passed 6-1 with Lapp dissenting.
- MOTION**  
**Condition #15** Lapp made a motion seconded by Hines to revise Condition #15 to read: No development or subdivision shall be allowed in any area designated as open space or parkland, except for drainfield sites.
- ROLL CALL**  
**Condition #15** On a roll call vote the motion passed unanimously.
- BOARD DISCUSSION** Cross talked about the water level out there and doesn't think it fits. He can't support the plan based on density and compatibility.
- Robertson said they have tried to farm this land and have been unsuccessful over the years.
- MAIN MOTION**  
**ROLL CALL** On a roll call vote the motion passed 6-1 with Cross dissenting.
- OLD BUSINESS** Lapp commented on the Long Range Planning Task Force.
- NEW BUSINESS** Harris talked about how the Planning Staff is trying to make Staff Reports more current with public comments. He thanked the Planning Board for everything they do.
- ADJOURNMENT** The meeting was adjourned at approximately 12 a.m. on a motion by Robertson seconded by Larsen. The next meeting will be held at 6:00 p.m. on June 28, 2006.

---

Jeff Larsen, President

---

Jill Goodnough, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 8/9/06